



**Town of Southern Shores
Council Meeting
January 6, 2015**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, January 6, 2015.

COUNCIL PRESENT: Mayor Tom Bennett, Mayor Pro Tem Jodi Hess, Council Members David Sanders, Larry Lawhon and Leo Holland.

COUNCIL ABSENT: None

OTHERS PRESENT: Town Manager Peter Rascoe, Town Attorney Ben Gallop, Town Clerk Sheila Kane.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a Moment of Silence.

AMENDMENTS / APPROVAL OF AGENDA

Mayor Bennett recommended amending the agenda to reverse the order of Item #7A and B.

MOTION: Council Member Holland moved to approve the agenda as amended. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously (5-0).

GENERAL PUBLIC COMMENT

Mayor Bennett called on public comment and the following citizens offered comment:

Bill Cogger, Southern Shores property owner
Tommy Karole, Southern Shores property owner

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Approval of Minutes- November 18, 2014
- Approval of Minutes- December 2, 2014

MOTION: Council Member Holland moved to approve the consent agenda. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

POLICE DEPARTMENT RECOGNITION OF PROMOTIONS FOR LAW ENFORCEMENT OFFICERS

Police Chief David Kole recognized the promotions of rank of the following Officers:

- Sergeant Jonathan Segel to the rank of Lieutenant
- Sergeant Brad Eilert to First Sergeant Rank
- Officer Matthew Cooke to the rank of Sergeant

STAFF REPORTS

Town Planner: The Town Planner, Wes Haskett presented the Planning Department's monthly report containing the following:

- Permitting and Inspections for December, 2014

Southern Shores Police Department

Chief Kole presented the Police Department's monthly report for December.

Southern Shores Volunteer Fire Department: Fire Chief, Ed Limbacher presented the Fire Department's monthly report for December.

[Clerk's Note: A copy of staff reports are hereby attached as Exhibit A].

REPORTS FROM TOWN BOARDS- PLANNING BOARD

Town Planner Wes Haskett presented the Planning Board Report for the Month of December.

At the December 15, 2015 Planning Board Meeting, the Planning Board recommended approval of SPA-14-01 and ZMA-14-01. With respect to SPA-14-01, the Planning Board unanimously (5-0) recommended approval of the proposed site plan amendment to the previously approved Southern Shores Crossing shopping center for a second entrance/exit connecting to NC 12. The Board included the following conditions of approval:

- The proposed 5 ft. sidewalk shall have a width of 6 ft.
- That the applicant must strictly abide by all requirements of the Town Zoning Ordinance (landscaping requirements, lot coverage restriction, etc.) and must also strictly comply with all other applicable local, State, and Federal requirements.

With respect to ZMA-14-01, the Planning Board unanimously (5-0) recommended approval of the proposed zoning map amendment which is a proposal to rezone 11 Ocean Blvd. from RS-1, Single-family Residential District to C, General Commercial district. The Board is also required to adopt a statement describing whether its action is consistent with the currently adopted Town Comprehensive Land Use Plan and explain why the Board considers the action taken to be reasonable and in the public interest. The Board included the following statement in its recommendation: The Planning Board finds that the proposed zoning map amendment is inconsistent with the Town's currently adopted Comprehensive Land Use Plan. However, the Planning Board considers the action taken reasonable and is in the interest of public safety.

PUBLIC HEARINGS

Council Member Sanders disclosed that he worked for the Southern Shores Realty Services Inc. in which the principle applicant works in the same building. He asked the Town Attorney if this posed a conflict of interest and should he be recused from either of the Public Hearings.

Town Attorney Ben Gallop stated that two public hearings are on the agenda this evening one is legislative and the other a quasi-judicial site plan amendment hearing. Each carries different standards for recusal. Council Member Sanders will only need to recuse himself for the quasi-judicial site plan amendment hearing.

PURPOSE: Consider ZMA-14-01, Zoning Map Amendment application from Michael K. Stone to amend the Town Zoning Map by rezoning 11 Ocean Blvd. from RS-1, Single-Family Residential to C, General Commercial.

The Town Attorney stated the purpose and opened the public hearing.

Town Planner Wes Haskett presented a staff presentation.

The applicant, Michael K. Stone represented by Michael W. Shrader with Quible and Associates and Wyatt Booth of Vandeventer Black LLP, seeks approval to amend the Town's currently adopted Zoning Map by having rezoned 11 Ocean Blvd. from RS-1, Residential District to C, General Commercial District in order to provide a new entrance/exit to the existing Southern Shores Crossing shopping center. The subject property is adjacent to the shopping center and under same ownership. The Town Zoning Ordinance states that the Town Council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the Town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this Chapter, subject to the rules prescribed in this Article.

Town Attorney Ben Gallop called on public comment and the following citizens offered comment:

Andrew Darling: Southern Shores resident

Joe Van Gieson: Southern Shores resident

Jim Monroe, representing his parents, the property owners of #2 Sea Bass Circle

Mary Lou Hoffert, Southern Shores resident

Gerri Sullivan, Southern Shores resident

Michael K. Stone, Applicant and Southern Shores resident

Wyatt Booth, Attorney for applicant

Hearing all the public comments Town Attorney Ben Gallop closed the public portion of the hearing.

MOTION: Mayor Pro Tem Hess moved to grant the request to rezone 11 Ocean Blvd. from RS-1, Single-family Residential District to C, General Commercial district, and to adopt a statement that the Town Council's action to grant the application for the zoning map amendment is inconsistent with the Town's currently adopted Comprehensive Land Use Plan - however, the Council considers the action taken to be reasonable and is in the interest of the public for the reasons stated by the Council during discussions. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

PURPOSE: Consider SPA-14-01, request from Michael K. Stone to amend the approved site plan for the Southern Shores Crossing Shopping Center located at 1 Ocean Blvd.

MOTION: Mayor Bennett moved to recuse Council Member Sanders from the Southern Shores Crossing Shopping Center site plan hearing. The motion was seconded by Council Member Lawhon. The motion passed unanimously (4-0)

Town Attorney Ben Gallop stated the purpose and called on any individual wishing to give testimony in this Quasi-Judicial hearing to come forth.

The Town Clerk swore in those wishing to speak during evidence presentation, including the public hearing.

Town Planner, Wes Haskett gave a brief presentation of the town's position. He stated the applicant seeks approval of modifications to a previously approved site plan which consists

of establishing a new entrance/exit to N.C. 12 by incorporating a currently vacant and adjacent lot under same ownership. The applicant also seeks a rezoning of the adjacent lot and plat approval for a recombination of the two lots which are to be reviewed as separate applications with the recombination request being subject to administrative review and approval. The Town Zoning Ordinance states that proposed changes to previously approved site plans must be reviewed by the Planning Board and approved by the Town Council unless the proposed changes are considered to be minor.

The Land Use Plan identifies the existing shopping center area as Commercial and it is located in the C, General Commercial zoning district. The Land Use Plan identifies the proposed entrance area as Residential and it is located in the RS-1, Single-family Residential zoning district (which was just granted approval and rezoned C, Commercial District). All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are applicable to this application have been identified. At the December 15th Planning Board meeting, the Board unanimously (5-0) recommended approval of the application and offers the following conditions for consideration which Town Staff also supports:

1. The proposed 5 ft. sidewalk shall have a width of 6 ft.
2. That the applicant must strictly abide by all requirements of the Town Zoning Ordinance (landscaping requirements, lot coverage restriction, etc.) and must also strictly comply with all other applicable local, State, and Federal requirements.

Michael Strader of Quible and Associates then presented evidence on behalf of the applicant.

Town Attorney Ben Gallop called on public comment and the following citizens offered comment:

Doug Boulter, Southern Shores resident

Hearing all the public comments and closing statements from Mr. Booth attorney for the applicant, Town Attorney Ben Gallop closed the evidentiary portion of the hearing and turned it over to Council for deliberation.

The Town Attorney stated that since it is a quasi-judicial hearing he wanted to inform Council of evidence they can and cannot consider. The applicant has the burden of showing that they meet the requirements of the zoning ordinance with their site plan and if they meet the requirements of the zoning ordinance then Council must vote to approve it. The applicant's burden of evidence must be evidence that is substantial competent evidence.

MOTION: Mayor Bennett moved to approve the site plan as presented to include the planning board conditions. The motion was seconded by Mayor Pro Tem Hess. The motion passed with Council Member Lawhon being the only no vote (3-1).

[Clerk's Note: A copy of the public hearing materials are hereby attached as Exhibit B].

OLD BUSINESS

None

NEW BUSINESS

Recommendation of new SSPD Personnel Classification (School Resource Officer)

MOTION: Council Member Holland moved to approve a personnel classification of School Resource Officer. The motion was seconded by Council Member Lawhon. The motion passed unanimously (5-0).

Budget Amendment #6- funding for Town portion of expense for School Resource Officer

MOTION: Mayor Pro Tem Hess moved to approve Budget Amendment #6. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Southern Shores Volunteer Fire Department Pension and Local Relief Fund Appointment

MOTION: Council Member Holland moved to reappoint Charlie Hess and Carlos Mercado to the SSVFD Pension and Local Relief Fund. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

Approval of Planning Board Officers

MOTION: Council Member Lawhon moved to approve Planning Board Officers as Sam Williams, Chairman and Mike Flores, Vice-Chairman. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously (5-0).

[Clerk's Note: A copy of the new business items are hereby attached as Exhibit C].

OTHER ITEMS

Town Manager's report

The Town Manager addressed several matters:

- After spending numerous hours communicating with online mapping companies regarding disclosing Town streets to vehicular traffic as short-cuts to Duck Road, the conclusion is that any mapping agency or directional app is not going to refrain from displaying the existence of any public street.
- As far as an update on the possibility of "No left turns" signage for east-bound vehicles at the S. Dogwood Trail and the Woods Road intersection of US 158 in Kitty Hawk, he is still waiting on more dialogue with the traffic engineer for NCDOT Division One, but the practicality of that is questionable. If NCDOT did approve such signage in Kitty Hawk, it would inhibit any Southern Shores residents, their guests, and their service providers from making a left turn. Also enforcement would be responsibility of the Town of Kitty Hawk. There is already a turn lane there, which if restricted, would cause the lane to have to be temporarily blocked during certain hours of the day.
- As also stated at the December Council meeting, the Public Works Director and her Staff will engage adjacent property owners at the Fairway Drive and Dogwood Trails Intersection in post-project completion planning for any appropriate landscaping along the outer edges of street right-of-ways.
- The Town's 100% design plans for the municipal bridge replacement of Tall Pine Bridge have now been submitted to NCDOT for approval. Once approved, the Town will be working on acquiring necessary temporary construction easements. The engineer will be submitting bid specs for constructing and for the inspecting engineer to the Town for approval, and the formal bid process will begin upon approval. The constructions start date is still projected as October 1, 2015 with an anticipated bridge closure period of 6-9 months.
- The final design plans for the improvement of Scuppernon Lane have been reviewed by Council and the adjoining property owners - and have been available for public review on the website and available at Town Hall for several weeks. In accordance with the budgeted street improvement plan for this fiscal year, the bid documents have been delivered to the four area major asphalt contractors as is done for each project. The bid documents will also be available to any other asphalt

paving contractor showing an interest, or who becomes known to staff as a potential bidder. This will be an informal bidding process as allowed under North Carolina law, and conducted in accordance with the Town's own bidding and purchasing policy. The bid opening is scheduled for January 26th, and the lowest qualified bidder will be recommended to council at the February 3rd meeting. If Council awards a contract at that meeting, then the informal bids will be open for public inspection at that time.

- The Town will be sponsoring a blood drive on January 19th in the Pitts Center from noon until 6 p.m.
- The January 22, 2015 Finance Committee meeting has been cancelled and all Capital Improvement Planning Committee meetings scheduled for this calendar year will have a new time of 2:00 p.m.

Town Attorney:

None

Mayor's comments:

The Mayor addressed a question from the public comment period. He stated there are no plans to remove the stop sign at the S. Dogwood and E. Dogwood intersection.

Council Members' comments:

Council Member Lawhon stated he would like to discuss the vegetation committee and the noise and light ordinance at the retreat in February.

ADJOURN


MOTION: Mayor Pro Tem Hess moved to adjourn. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0). The time was 8:19 p.m.

ATTEST:


Mayor Thomas G. Bennett



Respectfully submitted,


Sheila Kane, Town Clerk

1-6-15 TC Report

1. Permitting for December, 2014

- 11 Zoning Permits were issued.
- 24 building permits were issued: 2 new single-family dwellings, 2 additions/remodels, 2 remodels, 5 accessory structures, 2 commercial structures/accessory structures, and 11 others (bulkhead, mechanical, electrical, or plumbing)
- 17 single-family dwellings are currently under construction
- Total amount of fees collected in December was \$11,020.51

December 2014

Southern Shores Police Department

Total Calls for Service – 950

Business Checks – 185
Residence Checks – 151
Mutual Aid – 14
Direct Traffic – 39
Suspicious Condition – 26
Alarms – 9
Traffic Stops – 92
Extra Patrol - 212

Incidents – 23

B & E - 1
Larceny – 13
Fraud – 1
Vandalism – 1
CSA Violation – 1
Trespassing - 1
All Other - 5

Arrests - 3

Larceny – 1
All Other - 2

Citations - 42

Registration – 13
Failure to Reduce Speed – 1
Stop Light/Sign – 1
NOL - 2
Seat Belt – 2
Speeding - 9
Unsafe Movement - 3
Other - 11

Warnings - 40

Inspection – 2
Left of Center – 2
Registration - 5
Speeding - 22
Stop Light/Sign – 6
Unsafe Movement - 1
All Other - 2

Ordinance Violations - 2

Parking in ROW – 2

Accidents - 6

Southern Shores VFD

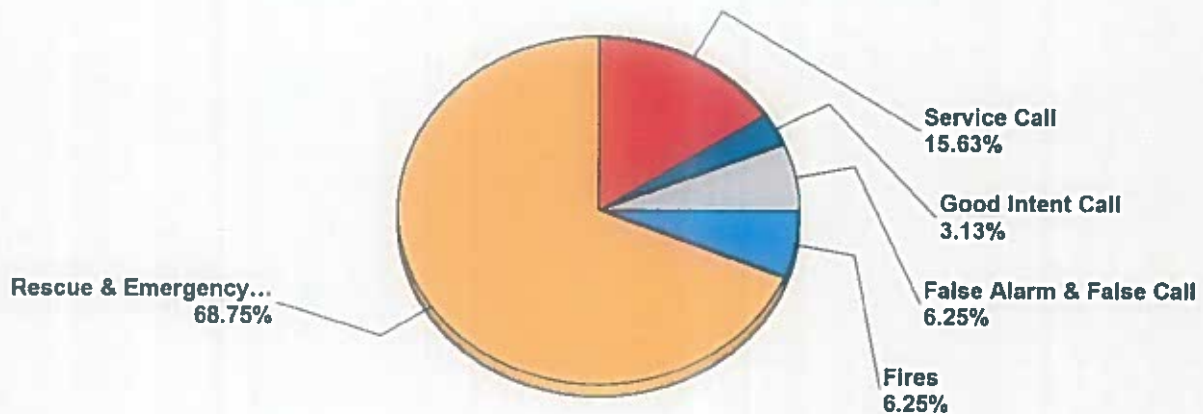
Southern Shores, NC

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Breakdown by Major Incident Types for Date Range

Start Date: 12/01/2014 | End Date: 12/31/2014



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	2	6.25%
Rescue & Emergency Medical Service	22	68.75%
Service Call	5	15.63%
Good Intent Call	1	3.13%
False Alarm & False Call	2	6.25%
TOTAL	32	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.



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Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
111 - Building fire	1	3.13%
113 - Cooking fire, confined to container	1	3.13%
321 - EMS call, excluding vehicle accident with injury	21	65.63%
322 - Motor vehicle accident with injuries	1	3.13%
550 - Public service assistance, other	1	3.13%
553 - Public service	3	9.38%
571 - Cover assignment, standby, moveup	1	3.13%
611 - Dispatched & cancelled en route	1	3.13%
700 - False alarm or false call, other	1	3.13%
745 - Alarm system activation, no fire - unintentional	1	3.13%
TOTAL INCIDENTS:	32	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.



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FINAL

To: Southern Shores Town Council (Tom Bennett, Jodi Hess, Leo Holland, Larry Lawhon, David Sanders)

Copies: Town Manager (Peter Rascoe)

Town Attorney (Ben Gallop)

Planning Board (Gray Berryman, Betty Corbin, Mike Florez, Elizabeth Morey, David Neal, Sam Williams, and ETJ Member John Finelli)

From: Sam Williams, Chairperson

Date: December 16, 2014

Re: December 15, 2014 Planning Board Meeting

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rezens
Sec. 36-202. - RS-1 single-family residential district.

- (a) *Intent.* The RS-1 district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses.
- (b) *Permitted uses.* The following uses shall be permitted by right:
- (1) Detached single-family dwelling consisting of no more than seven bedrooms or septic system capacity for more than 14 people.
 - (2) Customary accessory buildings and structures including, but not limited to, swimming pools, tennis courts, and garages, provided no living space is provided in the accessory structure. Accessory beach access walks, ramps, and steps shall not exceed four feet in width. Accessory ocean dune platforms shall not exceed 200 square feet.
 - (3) Home occupations and home based businesses as regulated in article VIII of this chapter.
 - (4) Town-owned or leased facilities.
 - (5) Piers and docks, only when accessory to a building for which a building permit has been obtained.
 - a. Piers and docks must be permitted by all applicable local, state, and federal agencies having jurisdiction.
 - b. The activity associated with the pier or dock must be permitted by the zoning district where the pier or dock is anchored.
 - c. No such permitted dock or pier shall extend into adjacent waters more than 75 feet from an estuarine bulkhead, mean high waterline, or a line connecting the outermost limits of the coastal wetlands on either side of the proposed structure, whichever is nearest the channel.
 - d. Only one pier or dock is permitted per building site.
 - (6) Estuarine bulkheads must be permitted by all applicable local, state, and federal agencies having jurisdiction.
 - (7) Community beach access including ocean dune platforms, and associated seating areas, walks, ramps and stairs. Such community beach access may be up to six feet in width and must be permitted by all applicable local, state, and federal agencies having jurisdiction.
 - (8) Collocations and eligible facilities requests in compliance with section 36-175(c).
- (c) *Conditional uses permitted.* The following uses are permitted, subject to the requirements of this district and such additional regulations and requirements as may be imposed by the town council, as provided in article X of this chapter:
- (1) Community recreation facilities, including boat launching areas, tennis courts, community centers, libraries, picnic areas, bathing beaches, and concessions integral thereto, provided that there is no open commercial activity, and no sign other than a directional sign is allowed.
 - (2) Fire stations.
 - (3) Governmental emergency medical evacuation facilities.

- (4) Child day care, small home.
- (5) Swimming lessons, subject to all applicable state and local regulations, training, experience and licensing requirements for swimming pools, swimming lessons, lifeguards and swimming instructors shall be met.
 - a. No swimming lesson shall be conducted earlier than 8:00 a.m. nor later than 6:00 p.m.
 - b. Any need for additional parking generated by the conduct of swimming lessons shall be met by off-street parking.
- (6) Wireless telecommunications sites in compliance with section 36-175.
- (7) Wind generation facility, in compliance with the requirements of section 36-176.
- (d) *Dimensional requirements.*
 - (1) Minimum lot size: 20,000 square feet.
 - (2) Minimum lot width: 100 feet (measured at the building setback line).
 - (3) Minimum front yard (setback): 25 feet.
 - (4) Minimum side yard (setback).
 - a. Minimum side yard setback shall be 15 feet;
 - b. An additional five-foot side yard adjacent to the street is required for a corner lot;
 - c. Minimum side yard setback shall be 15 feet for swimming pools.
 - (5) Minimum rear yard (setback): 25 feet.
 - (6) Maximum allowable lot coverage.
 - a. Maximum allowable lot coverage shall be 30 percent, except for town-owned facilities and fire stations;
 - b. Maximum allowable lot coverage shall be 85 percent for town-owned facilities and fire stations.

In the case of an oceanfront lot, only that area landward of the first line of stable natural vegetation (as defined by CAMA) shall be used for calculating lot coverage.

 - (7) Height.
 - a. Height, top plate shall be 26 feet.
 - b. Height, maximum shall be 35 feet.
 - (8) Minimum living space: 1,000 square feet of enclosed living space.

(Code 1988, § 11-7.01; Ord. No. 01-10-016, pt. II, 10-2-2001; Ord. No. 02-06-019, pt. I, 6-25-2002; Ord. No. 05-08-02, art. V, 11-1-2005; Ord. No. 06-05-01, art. III, § 1, 6-6-2006; Ord. No. 2007-05-01, art. IV, 6-5-2007; Ord. No. 2009-08-01, pt. I, 1-5-2010; Ord. No. 2011-04-01, art. III, pt. III, 4-5-2011; Ord. No. 2014-04-02, art. III, pt. I, 4-1-2014)

Rezone

Sec. 36-207. - C general commercial district.

- (a) *Intent.* The C district is established to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents.
- (b) *Permitted uses.* The following uses shall be permitted by right:
- (1) Offices, including such uses as:
 - a. Business.
 - b. Financial.
 - c. Governmental.
 - d. Medical and professional.
 - (2) Retail stores, including such uses as:
 - a. Antiques.
 - b. Books.
 - c. Cameras.
 - d. Candy.
 - e. Clothing.
 - f. Craft goods.
 - g. Delicatessens.
 - h. Drugs.
 - i. Flowers.
 - j. Food stores.
 - k. Gifts.
 - l. Hardware.
 - m. Health and beauty aids.
 - n. Hobby goods.
 - o. Household appliances.
 - p. Jewelry.
 - q. Leather goods.
 - r. Magazines.
 - s. Medical supplies.
 - t. Music and musical instruments.
 - u. Office supplies.
 - v. Sporting goods.
 - w. Tobacco products.
 - x. Toys.
 - y. Video rentals.
 - z. Wines.
 - (3) Service establishments, including such uses as:

- a. Banks.
 - b. Barbershops and beauty shops.
 - c. Business service—copying, photocopying and computer services.
 - d. Churches.
 - e. Dry cleaning and laundry pickup stations.
 - f. Funeral homes.
 - g. Indoor motion picture theaters.
 - h. Pharmacy.
 - i. Radio and television broadcasting studios (excluding transmitter sites).
 - j. Shoe repair.
- (4) Single-family dwellings, two-family (duplexes) dwellings, multifamily dwellings, large home dwellings, and accessory buildings, according to the dimensional requirements of RS-8 multifamily residential district. Large home dwellings shall be exempt from section 36-203(d) (8) requirements. For multifamily dwellings, the lot coverage shall not exceed 40 percent.
- (5) Town-owned or leased facilities.
- (6) Planned unit developments in accordance with article IX of this chapter.
- (7) Parking lots and sewage treatment drainfields, when located on a lot which is adjacent to and adjoins real property in an adjacent municipality, upon which a principal building or use has been approved by the municipality, and to which the parking lot and sewage treatment drainfields are necessary or incidental.
- (8) Collocations and eligible facilities requests in compliance with section 36-175(c).
- (9) Estuarine bulkheads must be permitted by all applicable local, state and federal agencies having jurisdiction.
- (10) Dwelling, large homes.
- (11) Event facilities.
- a. Customer parking requirements for event facilities shall be one space for each 150 square feet of floor area;
 - b. A septic permit must be obtained from the county health department to accommodate the maximum number of attendees permitted.
 - c. Food preparation shall meet all local and state requirements.
 - d. All events in which alcohol is to be served shall not be held until an approved state ABC permit has been issued.
 - e. All events shall be in compliance with all Town Code requirements, including the town noise ordinance.
- (c) *Conditional uses.* The following uses shall be permitted as a conditional use, subject to the requirements of this district; shall be subject to conditions and modifications relating to impacts on adjacent properties, transportation and transportation systems, transportation interconnectivity, stormwater, utilities and telecommunications facilities (including capacity), vegetation and other elements of the natural environment, noise, hours of operation, and other factors that the town council finds applicable; and additional regulations and requirements imposed by the town council, as provided in article X of this chapter:
- (1) Restaurants.

- (2) Veterinary clinic, provided that all boarding runs and kennels are in an enclosed, heated, and air conditioned building.
- (3) Child day care center, subject to other requirements of this chapter and provided the following conditions are met:
 - a. The facility shall adhere to the minimum requirements of and be licensed by the state department of human resources.
 - b. Pickup and dropoff areas shall be provided separate from the drive aisle. The pickup and dropoff areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.
- (4) Sewage system effluent disposal subsurface drainfields and repair areas, under the following conditions:
 - a. The lot shall be in existence and recorded at the time of adoption of this provision;
 - b. The drainfield shall not exceed a total area of 14,400 square feet;
 - c. There shall be no sewage treatment facilities other than the disposal drainfields;
 - d. There shall be no aboveground appurtenances;
 - e. A buffer strip shall be planted between the drainfield and/or repair area and any adjacent right-of-way, in accordance with the technical requirements of section 36-163(2)h (parking lot planting), and maintained;
 - f. Maintenance and operation of the drainfields, in compliance with state, county and town laws, rules and regulations, shall be a continuing condition of approval; failure to do so shall result in revocation of approval of the development by the town, and the owner and/or operator of the drainfield shall cease all use of the drainfield until such use is authorized by the town.
- (5) Group development of town-owned or leased facilities.
- (6) Group development of commercial buildings, provided:
 - a. Minimum size of any building shall be 2,500 square feet.
 - b. All buildings are to be connected by a breezeway or covered walkway.
- (7) Garden center/nursery, provided:
 - a. A ten-foot high solid fence must surround all storage areas for business vehicles, equipment and bulk storage.
 - b. All principal and accessory structures must conform to the building code (e.g., greenhouses) with no agricultural exceptions.
 - c. Outdoor plant displays (retail/nursery areas) access walks shall comply with site accessibility requirements of the building code (e.g., wheelchairs and motorized carts).
 - d. Required parking spaces and drive aisles shall be asphalt or concrete. Business vehicle and equipment parking and drive area shall be gravel/crush and run.
 - e. Customer parking requirements for outdoor retail display areas shall be one space for every 500 square feet of retail space.
- (8) Wireless telecommunications sites in compliance with section 36-175.
- (9) Wind generation facility in compliance with the requirements of section 36-176.
- (10) Ice vending structure (automated).
 - a. May only be an accessory use to a shopping center.

(d) *Dimensional requirements.*

- (1) Minimum lot size: Commercial lots shall be of sufficient size to meet requirements of the Dare County Health Department, to provide adequate siting for structures, and to provide parking, loading and maneuvering space for vehicles as required by section 36-163. In addition, a visual buffer strip is required where a commercial use or zone abuts a residential zone.
- (2) Minimum front yard: 25 feet.
- (3) Minimum side yard: ten feet. No side yard required if commercial building constructed with a common wall. An additional five-foot-yard adjacent to the street is required for a corner lot.
- (4) Minimum rear yard: 20 feet.
- (5) Maximum allowable lot coverage by principal use and all accessory structures: 60 percent.
- (6) Height:
 - a. For uses other than a bank:
 1. Height, top plate, shall be 26 feet.
 2. Height, maximum, shall be 35 feet.
 - b. For bank use:
 1. Height, top plate, shall be 26 feet.
 2. Height, maximum, shall be 35 feet with the exception of a single decorative cupola or ornamental watch tower that extends up to 15 feet above the roofline of the building, provided that it does not exceed 12 feet in width on any side or 144 square feet in cross section, is purely decorative in nature, and cannot be used for storage or occupancy.
- (7) No building or other facility (such as parking areas, incinerators, trash collection areas, etc.) shall be located nearer than 50 feet to boundaries of residential districts.
- (8) Where a commercial use or zone abuts a residential zone, a buffer of dense vegetative planting or natural vegetation is required. The buffer area shall have a minimum width of 20 feet with two rows of planting material placed ten feet on center that are a minimum of five feet in height when installed that expect to achieve a height of eight feet within three years. Suitable plant types shall be those recommended for the coastal area by the U.S. Department of Agriculture which can be expected to reach a mature growth of eight to ten feet. Vegetation plan to be approved by the town council.
- (9) All uses and improvements for commercial facility(ies) including, but not limited to parking areas, vehicular access ways, active and repair septic areas and required open spaces shall be contained entirely within the general commercial zoning district, except as provided in section 36-26, Rules governing the interpretation of district boundaries.

(Code 1988, § 11-7.10; Ord. No. 01-10-016, pt. II, 10-2-2001; Ord. No. 01-11-018, pt. I, 11-5-2001; Ord. No. 05-04-03, art. IV, 5-3-2005; Ord. No. 07-01-01, art. III, 2-6-2007; Ord. No. 2009-08-01, pts. IV, V, 1-5-2010; Ord. No. 2011-04-01, art. III, pt. VIII, 4-5-2011; Ord. No. 2011-12-01, art. III, pt. III, 12-6-2011; Ord. No. 2012-02-01, art. III, pt. III, 2-7-2012; Ord. No. 2013-03-01, art. III, pt. III, 3-5-2013; Ord. No. 2014-04-02, art. III, pt. IV, 4-1-2014)

STAFF REPORT

To: Southern Shores Town Council
Date: December 19, 2014
Case: ZMA-14-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Michael K. Stone
Southern Shores Realty Company, Inc.
P.O. Box 150
Kitty Hawk, NC 27949

Applicant Representative: Michael W. Strader, Jr.
Quible & Associates, P.C.
P.O. Drawer 870
Kitty Hawk, NC 27949

Requested Action: Zoning Map Amendment for 11 Ocean Blvd. to be rezoned from RS-1, Residential District to C, General Commercial District

PIN #: 987717025477
Location: 11 Ocean Blvd.
Zoning: C, General Commercial

Existing Land Use: Commercial

Surrounding Land Use & Zoning:

North-Residential; RS-1, Single-family Residential District
South- Commercial; C, General Commercial District
East- Residential; RS-1, Single-family Residential District
West- Commercial; C, General Commercial District

Applicable Regulations: Zoning Ordinance: Article III Interpretation and Definition of Terms; Article VII, Schedule of District Regulations; Article XIV Changes and Amendments.

ANALYSIS

The applicant seeks approval to amend the Town's currently adopted Zoning Map by rezoning 11 Ocean Blvd. from RS-1, Residential District to C, General Commercial District in order to provide a new entrance/exit to the existing Southern Shores Crossing shopping center. The subject property is adjacent to the shopping center and under same ownership. The Town Zoning Ordinance states that the Town Council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the Town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this Chapter, subject to the rules prescribed in this Article.

No regulation or map shall be amended, supplemented, changed, modified or repealed until after

a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

RECOMMENDATION

The Land Use Plan identifies the subject property as Residential and it is located in the RS-1, Residential zoning district. Goal 2 of the Land Use Plan is to protect, enhance, and support land uses that are compatible with surrounding land uses and maintain the existing community character of Southern Shores. Policy 2 in the Land Use Plan calls for maintaining a low density residential community comprised of single-family dwellings on large lots served by a small commercial district. Action item 2-a states that the Town will promote the maintenance of the boundaries of all zoning districts as they were defined as of September, 2007. Accordingly, Town Staff must conclude that the proposed map amendment is inconsistent with the Town's currently adopted Land Use Plan. However, in the interest of public safety, Town Staff recommends approval of the application.

At the December 15th Planning Board meeting, Board unanimously (5-0) recommended approval of the application and included the following statement in its recommendation: The Planning Board finds that the proposed zoning map amendment is inconsistent with the Town's currently adopted Comprehensive Land Use Plan. However, the Planning Board considers the action taken reasonable and is in the interest of public safety.

STAFF REPORT

To: Southern Shores Town Council
Date: December 19, 2014
Case: SPA-14-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Michael K. Stone
Southern Shores Realty Company, Inc.
P.O. Box 150
Kitty Hawk, NC 27949

Applicant Representative: Michael W. Strader, Jr.
Quible & Associates, P.C.
P.O. Drawer 870
Kitty Hawk, NC 27949

Requested Action: Site plan amendment for a new access to the existing Southern Shores Crossing shopping center from N.C. 12

PIN #: 987717024126
Location: 1 Ocean Blvd.
Zoning: C, General Commercial

Existing Land Use: Commercial

Surrounding Land Use & Zoning:

North-Residential; RS-1, Single-family Residential District

South- Commercial; C, General Commercial District

East- Commercial; C, General Commercial District and Residential; RS-1, Single-family Residential District

West- Residential; RS-1, Single-family Residential District and Municipal; G and I, Government and Institutional District

Applicable Regulations: Zoning Ordinance: Article III Interpretation and Definition of Terms; Article VI, General Provisions; Article X, Administration and Enforcement.

SPECIAL INFORMATION

Public Utilities: Existing water service and septic system.

Public Services: Solid waste and emergency services are provided.

Transportation: The subject property has frontage on N.C. 12

Physical Characteristics: Developed (Southern Shores Crossing shopping center).

ANALYSIS

The applicant seeks approval of modifications to a previously approved site plan which consists of establishing a new entrance/exit to N.C. 12 by incorporating a currently vacant and adjacent

lot under same ownership. The applicant also seeks a rezoning of the adjacent lot and plat approval for a recombination of the two lots which are to be reviewed as separate applications with the recombination request being subject to administrative review and approval. The Town Zoning Ordinance states that proposed changes to previously approved site plans must be reviewed by the Planning Board and approved by the Town Council unless the proposed changes are considered to be minor.

RECOMMENDATION

The Land Use Plan identifies the existing shopping center area as Commercial and it is located in the C, General Commercial zoning district. The Land Use Plan identifies the proposed entrance area as Residential and it is located in the RS-1, Single-family Residential zoning district. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are applicable to this application have been identified. At the December 15th Planning Board meeting, the Board unanimously (5-0) recommended approval of the application and offers the following conditions for consideration:

1. The proposed 5 ft. sidewalk shall have a width of 6 ft.
2. That the applicant must strictly abide by all requirements of the Town Zoning Ordinance (landscaping requirements, lot coverage restriction, etc.) and must also strictly comply with all other applicable local, State, and Federal requirements.